

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ILLINOIS**

TRACY GAMMON, *as Personal  
Representative of the Estate of Andrew  
Edward Gammon,*

Plaintiff,

V.

TEREX CORPORATION *et al.*,

Defendants.

No. 14-cv-595 JPG/SCW

## MEMORANDUM AND ORDER

This matter comes before the Court on the Notice of Dismissal (Doc.14) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by plaintiff USA. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The defendant has not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to close this case.

DATED: November 20, 2014

s/ J. Phil Gilbert  
UNITED STATES DISTRICT JUDGE